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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,721	07/24/2003	Michel Chevanne	Q76452	8118
23373 7590 03/27/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER DAILEY, THOMAS J				
ART UNIT 2152		PAPER NUMBER		
MAIL DATE 03/27/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/625,721

Applicant(s)

CHEVANNE ET AL.

Examiner

THOMAS J. DAILEY

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-29 and 31-34 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 11, 2008 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1-29 and 31-34 have been considered but are moot in view of the new ground(s) of rejection.
4. U.S.C. 112 second paragraph rejections directed at claims 10-12, 14, 25-29, 29, and 31-34 have been withdrawn due to applicant's submitted arguments and amendments. The new U.S.C. 112 first paragraph rejections were necessitated by the applicant's amendment.

Specification

5. The amendment filed March 11, 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the

invention. The added material which is not supported by the original disclosure is as follows: "wherein the scripts are provided in a format other than program code." (claim 1, line 11; claim 14, line 10; claim 15, 10; claim 28, line 11).

Program code is never explicitly defined (it is merely mentioned in on page 2) in the specification nor is it ever explicitly stated that the scripts are provided in a format other than program code. The examiner suggests that the applicant use phrasing consistent with the specification and not rely on negative limitations.

For this particular limitation, the examiner advises the applicant to amend so that the claims recite how the scripts are provided (i.e. instead of how it now says how they are not, unless, of course, the applicant can provide support in the specification so as to explicitly support any negative limitations). For example dependent claims 2 and 4 indicate limitations regarding the scripts and are fully supported by the specification.

6. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-29 and 31-34 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added material which is not supported by the original disclosure is as follows: "wherein the scripts are provided in a format other than program code." (claim 1, line 11; claim 14, line 10; claim 15, 10; claim 28, line 11). Program code is never explicitly defined (it is merely mentioned in on page 2) in the specification nor is it ever explicitly stated that the scripts are provided in a format other than program code. The examiner suggests that the applicant use phrasing consistent with the specification and not rely on negative limitations. For this particular limitation, the examiner advises the applicant to amend so that the claims recite how the scripts are provided (i.e. instead of how it now says how they are not, unless, of course, the applicant can provide support in the specification so as to explicitly support any negative limitations). For example dependent claims 2 and 4 indicate limitations regarding the scripts and are fully supported by the specification.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-9, 13-23, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al (US Pub. No. 2003/0069848), hereafter "Larson," in view of Coley et al (US Pat. 5,751,914), hereafter "Coley."

11. As to claim 1, Larson discloses a data processing device comprising:

processing means for receiving, from an equipment in a communications network, primary data defining events in at least one primary format ([0129], lines 4-8, problematic device (equipment) generates SNMP trap (primary data defining event in primary format) and NMS system receives it (means for receiving)) and delivering to a management device in said network secondary data defining alarms representing said events, in a secondary format ([0129], lines 9-16, NMS system delivers to application server (management device) XML file (secondary format) representing said events), wherein said processing means comprise an interpreter provided with a plurality of conversion rules, arranged in the form of scripts that are interpreted by the interpreter and are associated with at least one primary event formats ([0129], lines 9-16, NMS system runs scripts to convert SNMP traps to XML message), and

arranged so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format which can be processed by said management device ([0129], lines 9-16),

wherein the scripts are provided in a format other than program code ([0129], lines 9-13).

But, Larson does not disclose the plurality of conversion rules associated with a plurality of different event formats. Rather, the conversion is one-to-one occurring from SNMP to XML.

However, Coley discloses conversion rules associated with a plurality of different event formats (column 8, lines 26-39).

Because both Larson and Coley teach methods of converting events (such as SNMP traps) to a secondary format, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of being able to convert a plurality of event formats into a common format.

12. As to claim 14 and 15, they are rejected by the same rationale set forth in claim 1's rejection.

13. As to claims 2 and 16, Larson and Coley disclose the invention with regard to the parent claim, and further disclose wherein said interpreter is arranged to make said conversions into a secondary configuration file format by means of an interpreted language (Larson, [0129], lines 9-16, "PERL").

14. As to claims 3 and 17, Larson and Coley disclose the invention substantially with regard to the parent claims 2 and 16 above, and further disclose said secondary configuration file format is XML (Larson, [0129], lines 9-16).
15. As to claims 4 and 18, Larson and Coley disclose the invention substantially with regard to the parent claims 2 and 16 above, and further disclose said interpreted language is selected from a group consisting of JavaScript, VisualBasic, TCL, Perl and Python (Larson, [0129], lines 9-16).
16. As to claims 5 and 19, Larson and Coley disclose the invention with regard to the parent claim, and further disclose wherein, when there are primary data associated respectively with event identifiers, said interpreter is arranged to store at least some of said rules in correspondence with known event identifiers (Larson, [0129], lines 8-9, "Depending on the event").
17. As to claims 6 and 20, Larson and Coley disclose the invention with regard to the parent claim, and further disclose wherein said interpreter is arranged to store at least one conversion rule defining a default script intended for the primary data associated with an unknown event identifier (Larson, [0129], lines 9-16, discloses scripts and Coley, column 8, lines 50-53, discloses the default handling of events).

18. As to claims 7 and 21, Larson and Coley disclose the invention with regard to the parent claim, and further disclose wherein said interpreter is arranged to deduce alarm parameters from certain primary data received, so as to deliver a parameterized alarm to said management device (Larson, [0129], lines 9-16).
19. As to claims 8 and 22, Larson and Coley disclose the invention with regard to the parent claim, and further disclose wherein said interpreter is arranged to deliver to said management device alarms parameterized by hard-coded values (Larson, [0129], lines 9-16).
20. As to claims 9 and 23, Larson and Coley disclose the invention with regard to the parent claim, and further disclose wherein said interpreter is arranged to deliver to said management device alarms parameterized by values extracted from said primary data (Larson, [0129], lines 9-16).
21. As to claims 13 and 27, Larson and Coley disclose the invention with regard to the parent claim, and further disclose wherein said primary data are received in primary formats of the SNMP type (Larson, [0129], lines 9-16).
22. As to claim 28, Larson and Coley disclose the invention with regard to the parent claim, and further disclose use of the data processing method as claimed in claim 15 in network technologies which have to be managed (Larson, Abstract).

23. As to claim 29, Larson and Coley disclose the invention with regard to the parent claim, and further disclose the communications network is one of: WDM network, a SONET network, an SDH network, an IP network, an ATM network, mobile and an NGN network (Larson, [0038]).

24. Claims 10-12, 24-26, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson and Coley as applied to claims 7 and 21 above, and further in view of Stilwell et al (US Pat. 5,907,696), hereafter "Stilwell."

25. As to claims 10 and 24, Larson and Coley discloses the invention substantially with regard to the parent claims 7 and 21, and further discloses when the alarm state of an item of equipment in the network is unknown, said interpreter is arranged to extract from said equipment chosen information able to allow said alarm state (Larson, [0129], lines 9-16).

But, Larson does not disclose simulating the sending of SNMP traps (primary data), so as to generate an alarm intended to indicate to the management device the alarm state of said equipment.

However, Stilwell discloses simulating the sending of SNMP traps (primary data), so as to generate an alarm intended to indicate to the management device the alarm state of said equipment (Abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Larson and Coley with Stilwell in order to ease the burden of the user by allowing them to test the interoperability of one computer device with other devices to confirm the one device functions as intended (Stilwell, column 2, lines 37-45).

26. As to claims 11 and 25, Larson, Coley, and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose wherein said interpreter is arranged to deliver to said management device alarms parameterized by values extracted from the equipment from which it has received the primary data (Larson, [0129], lines 9-16).

27. As to claims 12 and 26, Larson, Coley, and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose wherein said interpreter is arranged to extract said information or values from a management information base of the equipment concerned (Larson, [0129], lines 9-16).

28. As to claims 31 and 33, Larson, Coley, and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose said chosen information resides in a management information base of said equipment concerned (Larson, [0129], lines 9-16).

29. As to claims 32 and 34, Larson, Coley, and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose the alarm state of said equipment is synchronized or resynchronized using said extracted chosen information (Larson, [0129], lines 9-16).

Conclusion

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJD

/Bunjod Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152